

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MARK A. RYDELL  
Junior Party  
(Reissue Patent 36,795)<sup>1</sup>

v.

CHARLES R. SLATER  
Senior Party  
(Application 09/177,502)<sup>2</sup>

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Patent Interference No. 105,782  
(Technology Center 3700)

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Before: JAMESON LEE, SALLY C. MEDLEY, and MICHAEL P. TIERNEY,  
*Administrative Patent Judges.*

LEE, *Administrative Patent Judge.*

Judgment – Request for Adverse – Bd. R. 127(b)

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<sup>1</sup> Based on Application 08/724,997, filed October 3, 1996, to reissue Patent 5,352,222, based on Application 08/213,671, filed March 15, 1994. The real party in interest is Gyrus Medical, Inc.

<sup>2</sup> Filed October 23, 1998. Accorded the benefit of Application 08/354,992, filed December 13, 1994. The real party in interest is Boston Scientific Miami Corporation.

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1           On February 11, 2011, junior party Rydell filed a paper titled “RYDELL  
2 REQUEST FOR ADVERSE JUDGMENT” in which it is stated that Rydell  
3 disclaims its claims 15-17 and that because Rydell has disclaimed its claims 15-17  
4 it no longer has a claim involved in this interference. On that basis Rydell further  
5 states that the Board should enter judgment against Rydell.

6           Claims 15-17 are all of Rydell’s claims corresponding to the count. Per  
7 37 C.F.R. § 127(b)(2), such a disclaimer of all of a party’s claims corresponding to  
8 the count constitutes a request for entry of adverse judgment.

9           The request is herein *granted*.

10          It is

11          ORDERED that judgment on priority as to Count 1 is entered against junior  
12 party MARK A. RYDELL;

13          FURTHER ORDERED that involved claims 15-17 of junior party’s  
14 Reissue Patent 36,795 are herein cancelled;

15          FURTHER ORDERED that the parties shall note the requirements of  
16 35 U.S.C. §135(c) and Bd.R. 205; and

17          FURTHER ORDERED that a copy of this judgment shall be entered into  
18 the file of Reissue Patent 36,795, and Application 09/177,502.

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By Electronic Transmission:

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